

# Practical guide to the California Public Records Act in Los Angeles

March 17, 2019



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# 1 I am not a lawyer and this is not legal advice

1. I'm not, and it isn't. Don't rely on anything I say here to be accurate. It's all true to the best of my knowledge and it's based on my personal experience, but I'm not a lawyer and I'm not advising you on how to conduct your personal or legal affairs.

## 2 Introduction

### 2.1 The California Public Records Act (“CPRA”)

#### 2.1.1 What are public records?

2. In short, a public record is any tangible thing used or owned by a public agency that contains information about the conduct of public business.
3. The definition in the CPRA itself, found at [§6252](#), is really extensive, although it doesn't appear so at first:

“Public records” includes any writing containing information relating to the conduct of the public's business prepared, owned, used, or retained by any state or local agency regardless of physical form or characteristics.

4. It's the definition of “writing” in a later subsection that reveals the incredible range of things encompassed here:

“Writing” means any handwriting, typewriting, printing, photostating, photographing, photocopying, transmitting by electronic mail or facsimile, and every other means of recording upon any tangible thing any form of communication or representation, including letters, words, pictures, sounds, or symbols, or combinations thereof, and any record thereby created, regardless of the manner in which the record has been stored.

5. So we're not just talking about official documents on paper, but emails, photographs, videos, sound recordings, anything. I once asked to see a coffee mug that some City Councilmember gave Mike Bonin for Christmas and was denied, but not because it wasn't a record. The City argued that it wasn't related to the conduct of the public's business, which really highlights the scope of this definition.

#### 2.1.2 The CPRA grants extensive rights to access public records

6. The California Public Records Act is the fundamental law governing people's right of access to public records. Essentially it says that anyone has the right to see any public record unless there's a specific reason given in the law that the record is exempt from release.
7. So the default position is that every record is open to inspection by anyone. If the government wants to withhold a record they have to identify a specific reason from the list of allowable reasons that justifies withholding it.

### 2.1.3 Who is and is not subject to the CPRA

8. Every government agency, department, district, or “subdivision” is subject to the CPRA. In California counties and cities are subdivisions of the state government, so they’re subject.
9. Private corporations created by government agencies that are subject to the CPRA in order to carry out governmental functions are also subject to the CPRA. These include business improvement districts and charter schools and probably some other types of entitites.
10. The state legislature and the judicial branch are not subject to the CPRA. The legislature has its own public records law, the [Legislative Open Records Act](#). I don’t know anything at all about it.
11. Courts aren’t subject to the CPRA at all. There’s some kind of right of access to judicial records<sup>2</sup> but it doesn’t seem to be as a result of a law but rather a rule that the courts themselves adopted. It’s [explained here](#). Again, I don’t know anything about this rule.

## 2.2 Some definitions, briefly

12. An “agency” or a “public agency” is any entity or subentity subject to the CPRA.
13. A “response” is a communication from an agency stating whether responsive records exist, whether the agency intends to produce them, and when that might happen.
14. A “production” is an actual provision of records either as copies or to be inspected.
15. An “exemption” or “exemption claim” is a claim that certain records or parts of records can be legally not produced in response to a request.

## 3 The life cycle of a written request for public records

### 3.1 The request

#### 3.1.1 What to include

16. The most important thing to include in a written request for records is a precise description of the records sought. The CPRA requires a request that “reasonably describes an identifiable record or records”<sup>3</sup> before the duties of agencies to provide the records kick in.

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<sup>2</sup> In addition to the fact that pleadings and other stuff filed with courts is presumed to be open to the public.

<sup>3</sup> At §6253(b).

17. It's better to be too precise than not precise enough. For instance, give date ranges, keywords, names of correspondents, and so on. See [Exhibit 1](#) on page 28 for an example.<sup>4</sup>
18. It's tempting to make the date range be open-ended, like January 1, 2018 through date of compliance, but I recommend not doing this. First, many agencies just arbitrarily make the end date the date of the request anyway. Probably the law supports them on that because they're not required to entertain requests for future records, known as "standing requests." Second, this way you never actually know the real end date, which hinders future requests and also may complicate matters if you have to go to court, where the end date of the request may be disputed.
19. It's also good to include language to head off various obstructionist tactics. I will talk about this in more detail below, but here are a few useful things described briefly:
  - (a) Say that you want to "inspect" or "take a look at" records rather than to obtain copies. Inspection is free but they can charge for copies. It's not essential to do this because it's impossible to actually obligate yourself to pay for anything just by asking for records.
  - (b) If you're asking for electronic records, maybe emails or spreadsheets, consider saying what file formats you'd like access to. The CPRA requires agencies to provide electronic records electronically in whatever file formats they keep them in.<sup>5</sup> This is especially important with spreadsheets, where you'll probably want working XLS documents as opposed to PDF exports of them or even worse printed hard copies.
  - (c) If you suspect the records you're asking for may require redaction<sup>6</sup> and there's a specific way you want them redacted, it's good to put that in your request also. For instance agencies will often claim that the only way to redact electronic files is to print them on paper and redact them with a marker. This destroys most of their utility, so you can suggest with spreadsheets that they redact them by replacing exempt information with XXXXXXXX or something like that.
20. It's not always possible to be precise, though. As a requester you have no way to understand the kinds of records that agencies keep or what the records are called, and so on. You are therefore allowed to request records by describing the information you're looking for rather than by specifically naming the records.<sup>7</sup> Agencies also have a duty to assist you in reframing your request if they can't figure out what you're asking for.<sup>8</sup>

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<sup>4</sup> This is an actual request I sent on March 1, 2019.

<sup>5</sup> At §6253.9(a).

<sup>6</sup> More on redaction below.

<sup>7</sup> This is due to [California First Amendment Coalition v. Superior Court \(1998\) 67 Cal.App.4th 159](#), in which the court stated: "the requirement of clarity must be tempered by the reality that a requester, having no access to agency files, may be unable to precisely identify the documents sought. Thus, writings may be described by their content. The agency must then determine whether it has such writings under its control and the applicability of any exemption. An agency is thus obliged to search for records based on criteria set forth in the search request."

<sup>8</sup> Described in more detail below in [Section 3.2.2](#) on page 8.

### 3.1.2 What you can omit

21. Most importantly, there's no magic language that's required for a good request. There are form letters floating around the internet awash in legalese like e.g. "pursuant to my rights under the CPRA I hereby..." These are all fine, but not necessary. As long as your request "reasonably describes an identifiable record or records" and makes it clear that you want access you're good. You will not void your request by omitting certain phrases. It's not even required that you mention the CPRA in your request, although for efficiency's sake it's probably better to mention it.
22. It's not required to identify yourself to the agency. For written requests you can use just your first name or no name at all. You can use email addresses that aren't strongly linked to your real identity, and so on. For the sake of efficiency it's important to give agencies a way to contact you about your requests, but this is also not required. You never have to talk to them on the phone, either.<sup>9</sup>
23. You don't have to explain what information you're trying to get from the records. The CPRA requires agencies to provide records rather than to explain things to people.<sup>10</sup> So your request is for records rather than for the information they contain. Under certain circumstances it may be a good idea to tell the agency the information you want, for instance see [Paragraph 34](#) below, but it's a good default choice not to explain more than necessary.
24. You don't have to explain why you're asking for the records you're asking for. Not only does the law not require requesters to explain why they're making requests, it explicitly says that agencies are forbidden from considering the requester's purpose when deciding whether to release records. This is at [§6257.5](#), which says:

This chapter does not allow limitations on access to a public record based upon the purpose for which the record is being requested, if the record is otherwise subject to disclosure.

25. You are not required to use official request forms. Many of these are innocuous and I will use them if they're effective. Many are hostile and ask the requester to agree to a lot of things it's not required to agree to, like paying for copies before inspecting records. Some of the hostile ones ask you to print out a non-fillable PDF and send it to the agency by postal mail. The purpose is always to delay. These ones I refuse to use, or sometimes blank out all the objectionable material and submit that way.

### 3.1.3 Consider using CPRA-only email accounts

26. There are many reasons to use CPRA-only email accounts for making requests.

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<sup>9</sup> Lately the LAPD has gotten really aggressive about asking me to talk to them on the phone. I'm not sure why this is but I never do it. It seems like a tactic but I'm not clear on what they're trying to accomplish.

<sup>10</sup> Some local jurisdictions have ordinances which expand CPRA obligations. In at least one of these, the City and County of San Francisco, the government actually is required to explain things to people. It's a lovely law but we don't have it in Los Angeles.

27. Requests for public records are generally public records themselves. Using CPRA-only email addresses will guard your privacy if that's important to you.
28. Agencies may get sick of you and your requests and it's easier to switch CPRA-only accounts or even use two different ones.
29. Requesters aren't required to identify themselves to request records and in the context of public records at least rights that aren't used may erode.
30. Speculatively and in the long run if agencies have to respond to requests without knowing if they're dealing with an experienced litigious requester or a first-timer it may ultimately train them to follow the law without an at least implicit threat of being sued.

## 3.2 The agency's response

### 3.2.1 What it must include

31. Agencies are required to respond to written requests within 10 days of receipt.<sup>11</sup> Under "unusual circumstances," which are defined precisely in the statute, the agency can unilaterally extend this deadline by 14 days.
32. Sadly, this deadline is *not* a deadline for providing records, but only for providing the requester with certain information. According to the statute section<sup>12</sup> the agency's response must include:
  - (a) Whether or not the request is for records that the agency actually has.
  - (b) "The reason" for that determination.
  - (c) If the agency has responsive records then also an estimated date by when the records will be made available.

### 3.2.2 Agencies have a duty to assist requesters

33. If an agency responds that they don't have responsive records to all or part of a request, it's possible that you didn't describe what you're looking for clearly enough, or maybe that there are other records that you didn't think to ask for that would also have the information you're looking for. Remember that you aren't expected to know how to identify records precisely, as discussed above in [Paragraph 20](#).
34. If it seems like that's what's going on in a response, you have the option of telling the agency what information you're looking for.<sup>13</sup>

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<sup>11</sup> See [§6253\(c\)](#).

<sup>12</sup> Still [§6253\(c\)](#).

<sup>13</sup> As opposed to not telling them, which is a good default choice, because why give them anything you're not required to give them? See [Paragraph 23](#) above.

35. If they don't have records responsive to your request as written and if you're willing to explain the information you're trying to find then the agency is required by the CPRA to help you reformulate your request so that it describes records they have that will supply the information you're looking for.<sup>14</sup> The statute has some detail about what the agency is required to do to assist you, but the most essential part is that they must "Provide suggestions for overcoming any practical basis for denying access to the records or information sought."

### 3.2.3 Common omissions by agencies

36. Agencies are required to include in the ten or twenty four day response an estimated date of production. They often just omit this. I regularly see responses like: "Due to the voluminous nature of your request we'll respond when we're able to."<sup>15</sup>
37. Within the ten or twenty four day response period agencies are required to actually determine whether or not they have responsive records. They often assume that they're just required to acknowledge your request in that time frame. I regularly see the following pattern:
- (a) At 10 days they say they need an extra 14 days, often without even claiming any of the criteria for unusual circumstances.
  - (b) At 24 days they say they'll start searching and let me know what happened later.
  - (c) At 24 +  $X$  days for some large value of  $X$  they'll say that they don't have any responsive records.
38. As we'll see below in [Section 4](#) the violations that can be enforced are pretty limited, and there's probably nothing that can be done about violations like this. Probably the biggest flaw in the CPRA is that the only enforcement mechanism is for the requester to file a petition with a court but the law doesn't allow filing for most violations. Agencies' lawyers exploit this flaw relentlessly.

### 3.2.4 How much money do you really owe these people?

39. One popular intimidation tactic is to tell the requester that they'll have to pay a lot of money to see records. There are two main forms that this tactic takes.
40. First, the agency pretends to misunderstand that the requester asked to inspect the records and announces that the records are ready and on payment of \$245.92 they will be made available. The idea, I guess, is to scare requesters away. The proper reply is that requesters can inspect records for free, and only have to pay for copies.
41. Sometimes agencies are a little more advanced in their money-based terrorism. There is one situation in which the CPRA allows agencies to charge requesters for producing

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<sup>14</sup> See [§6253.1\(a\)](#).

<sup>15</sup> Obviously it's not the request that's voluminous but the set of responsive records. I'm not sure why this phraseology is so popular.

records even for inspection. This is found at [§6253.9\(b\)](#), which states (in summary) that if the agency has to program a computer to extract the information from a database or something similar then the requester has to pay the costs of the process.

42. This is well-understood to be about e.g. querying a database to produce a report, or something where code or at least a complex search query has to be written to get the data to produce. But agencies will sometimes (purposely) misinterpret this to cover, for instance, searching for emails by putting a key word into a search field.
43. That it's not about this is not only clear from the text of the law, but also from the fact that even really hostile but knowledgeable agencies, like the City of Los Angeles in my case, don't try this tactic. If it were valid or even defensible they'd definitely use it.
44. For a really extreme example, see [Exhibit 2](#) on page 31. Here some charter school<sup>16</sup> announces that I have to hand over \$4,680 if I want them to search for emails.
45. This example also illustrates another pretty common variation on this tactic, which is that they claim that they're forced by the unreasonable extent of my request to hire a consultant, who I have to pay.
46. The fact is that the only time that the CPRA allows agencies to charge requesters to even look at records is the computer programming exception. They can't charge for search time, they can't charge for redaction time,<sup>17</sup> they can't charge for time used to supervise requesters' inspection of records. In short, you really owe these people nothing at all unless you want to buy copies from them or if you want them to run specialized database reports.

### 3.3 Responding to responses and productions

#### 3.3.1 Common exemption claims and their common flaws

##### 3.3.1.1 Drafts

47. This exemption is found at [§6254\(a\)](#). It exempts the following material:

Preliminary drafts, notes, or interagency or intra-agency memoranda that are not retained by the public agency in the ordinary course of business, if the public interest in withholding those records clearly outweighs the public interest in disclosure.

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<sup>16</sup> Charter schools are subject to the CPRA, which I only recently learned!

<sup>17</sup> This is presently the subject of a case at the California Supreme Court, *National Lawyers Guild v. City of Hayward*. The court of appeals held that redacting video, which requires some kind of special software, was covered by the computer programming exception and so the City of Hayward could recover its costs. This is a bad opinion, and the Supreme Court ought to overturn it. It's already being widely abused by agencies, who claim that it means that they can charge for redaction of any kind of electronic record and force requesters to pay for redaction software.

48. I'm not sure why this is in there,<sup>18</sup> but it's claimed by agencies pretty regularly.
49. It's important to read all of it, though. First, if they retain the records then they're not exempt whether or not they're drafts. For instance, I've had agencies claim that two or three year old emails are exempt by this exemption. It's not possible, though, because why did they keep them for so long?
50. Also this exemption requires a balancing of interests before it applies.<sup>19</sup> Agencies who claim it in my experience omit this part of the analysis entirely.
51. So if you want to dispute a drafts exemption claim it's good to talk about how long they've already retained the record and about the public interest in releasing it.

### 3.3.1.2 Personnel files

52. This exemption is found at §6254(c). It exempts the following material:

Personnel, medical, or similar files, the disclosure of which would constitute an unwarranted invasion of personal privacy.

53. Again note the qualification. Just because a record is in a personnel file doesn't mean it's exempt. Its release has to constitute an unwarranted invasion of privacy. And not just an invasion of privacy, but an unwarranted one. And it can't just be privacy that's being invaded, but it must be personal privacy.
54. This is a high bar for agencies to meet and yet they typically act as if all they have to do is mutter "personnel" and the standard is met. There are two specific ways I've seen this abused.
55. First by claiming it for records that obviously aren't found in personnel files, or if they are their presence is only incidental. For instance I've had agencies claim that employment contracts were exempt for this reason. That's an extreme case because contracts are explicitly made not exempt by the CPRA,<sup>20</sup> but not an unusual one.
56. Second by claiming it without considering whether the disclosure of the record would constitute an unwarranted invasion of privacy.

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<sup>18</sup> Possibly to prevent agencies from getting in trouble for destroying the kinds of things they legitimately destroy because they would have been responsive to a request, even when there are more up-to-date versions that weren't destroyed? I really don't know.

<sup>19</sup> This is a requirement of a lot of exemptions. Even if a class of records is exempt on its face, it may turn out that the public interest in seeing the records is so great that they will have to be released anyway. The most prominent exemption that's not like this is the attorney/client privilege exemption, discussed below at [Section 3.3.1.4](#), which doesn't require a balancing test. I've heard some lawyers call this a "per se" exemption and the ones that do require balancing "non-per-se" exemptions. Other lawyers haven't heard that term.

<sup>20</sup> At §6254.8.

### 3.3.1.3 Trade secrets and proprietary information

57. I think this exemption is incorporated into the CPRA because it's part of the evidence code. The CPRA at §6254(k) brings in all possible privileges, and I think this is one of them.
58. Roughly speaking a trade secret is not widely known, would be economically valuable to those who came to know it, and is subject to reasonable attempts to keep it secret. A quintessential example is the formula for Coca Cola.
59. I have never had a reasonable trade secret claim of exemption. One agency claimed that some contractor's hourly rate schedule was a trade secret, but gave it up eventually.

### 3.3.1.4 Attorney/client privilege

60. This is the only per se exemption I'm aware of. It's also brought into the CPRA by §6254(k).
61. It's also unique in that even if you end up suing an agency over records, judges will not examine records claimed to be attorney/client privileged. It's the most bulletproof exemption.
62. I have a feeling that it's pretty widely misused since it's at least practically unreviewable. But it's not absolute in the sense that not every communication with a lawyer is a privileged communication. This is a complex area of law that I don't understand well, but at least if the communication is between a client, and attorney, and some third party under some circumstances, the privilege is waived.
63. I don't have any advice on how to dispute this kind of claim except to check that it's plausible given the terms of the request.

### 3.3.1.5 Privacy

64. There are various privacy protections built into the CPRA, but they're very specific, e.g. exempting the home addresses and phone numbers of government employees. But agencies commonly assert sweeping not-justified exemptions like for "personally identifiable information," which is a phrase I see a lot.
65. This is usually part of a program of obstruction to access. One strategy is to insist that email addresses owned by people who don't work for the agency are exempt under some theory of privacy and then to insist that the emails must be printed on paper, redacted with a pen, and only available for in-person inspection or for sale at exorbitant prices which wouldn't apply if they were produced electronically.
66. A more sophisticated version of the same scam is to reference the so-called "catch all exemption," found at §6255(a) of the CPRA. This essentially says that if agencies aren't going to produce records, they either have to cite a specific exemption or else make a case "that on the facts of the particular case the public interest served by not

disclosing the record clearly outweighs the public interest served by disclosure of the record.” This ought to be a hard standard to meet, but it is used incredibly broadly by agencies, who generally refuse to explain themselves at all.

67. This is a hard one to argue with mostly because by the time it’s claimed the agency has already decided they want to obstruct your request. I’ve had very little luck.
68. A good (but mostly not successful) argument against it with the City of LA is that the Clerk doesn’t redact email addresses when posting public comments in Council Files, and many of the people who send comment emails are the same ones whose email addresses show up in emails responsive to CPRA requests, so any privacy claims have been waived.
69. Another good but not so successful argument is that people voluntarily email the City for reasons of their own so they don’t have any expectation of privacy. This is in contrast to for instance information people supply to the DMV, which is required in order to be able to drive, so the information actually ought to be kept secret.

#### **3.3.1.6 Burdensomeness**

70. This is another “catch-all exemption” claim. Some court somewhere once found that some request would take too much time to fulfill and said that the public interest in not tying up the agency forever fulfilling it clearly outweighed the public interest in accessing the records. Maybe that was reasonable, but since then agencies constantly claim that responding to requests would be burdensome. They ask for keywords to narrow the search, they ask for smaller date ranges, they arbitrarily close out requests if you give them keywords instead of narrower date ranges or narrower date ranges instead of key words.
71. But the one thing they will never do, at least in my experience, is explain how they applied the requisite balancing test from §6255(a). If you ask them what conception of the public interest in releasing the records they used to weigh against the public interest in their not having to search and produce the records they will not answer, because obviously they didn’t even consider it. See a fairly classical example at [Exhibit 4](#) on page 38.
72. A sometimes useful response here is to invoke §6253.1(a), which requires agencies to assist you in making a good request. Subsection (3) requires the agency to “[p]rovide suggestions for overcoming any practical basis for denying access to the records or information sought.” Certainly asking them to tell you how much material they are actually willing to produce would be providing such a suggestion. Sometimes they will do this.

#### **3.3.1.7 Deliberative process**

73. This is a very mysterious exemption. It doesn’t appear in the CPRA but evidently courts have decided that the “catch-all” exemption found at §6255(a) protects the putative deliberative process of agencies.

74. I can do no better than to quote [the First Amendment Coalition's explanation of this](#):

This exemption [§6255(a)] includes the “deliberative process privilege,” allowing nondisclosure of records revealing the deliberations of agency officials. This doctrine was created by the California Supreme Court in 1991, in a case involving a request for the calendars of then Governor Deukmejian, and has since been applied in many other contexts, including records of phone calls by city council members, and records regarding applications to the Government for appointment to fill vacancies on county boards of supervisors. According to the Supreme Court, “the key question in every case is whether disclosure of the materials would expose an agency’s decision-making process in such a way as to discourage candid discussion with the agency and thereby undermine the agency’s ability to perform its functions.”

75. Whatever that means, this is a favorite of agencies. It’s subject to the public interest balancing test like all applications of §6255(a), but as always that’s generally ignored.

#### **3.3.1.8 Unelaborated public interest in withholding records**

76. As I said above, §6255(a) of the CPRA allows agencies to withhold records if the public benefit in not releasing them clearly outweighs the public interest in releasing them. Obviously before an agency can withhold records on such grounds they have to think about the public interest on each side. But they don’t ever in my experience consider the public interest in releasing the records. They treat this like an ordinary exemption which just has to be claimed in order to justify withholding records.
77. So they’ll say something like “the records you requested are exempt per §6255(a) because the public interest in withholding them clearly outweighs the public interest in releasing them.” If you ask what the public interest on either side is they often cannot say. I’m not sure what can be done about this other than, see below, a lawsuit. It sure is aggravating.

#### **3.3.2 Common methods of delay and obstruction**

78. Oral presentation only!

### **3.4 Unwritten requests and in-person inspection**

79. The CPRA does not require written requests. It also allows any person to show up unannounced at any office of any CPRA-subject agency and ask to see records right then.
80. Practically speaking though, insisting on these rights mostly isn’t going to get requesters anywhere. I understand from a lot of people with a lot of experience that judges mostly won’t enforce them, which means that they might as well not exist.

81. The problem is not so much that judges will just allow agencies to ignore the law, but that there are too many acceptable excuses for not complying with requests like this. If an agency claims they couldn't get the records together right at the moment, or there was no one around right then who knew where they were, or anything plausible like that the claim evaporates.
82. So for the sake of actually getting results it's certainly better to submit written requests and to wait until the agency says that the records are ready before trying to look at them.

## 4 Enforcing your rights under the CPRA

### 4.1 A lawsuit is the only option, and it's not that great

83. One of the most serious flaws in the CPRA is that there is no means of enforcing it other than filing a petition asking a judge to find that it was violated and to order remedies.
84. The conditions under which such a suit is allowed are found in the CPRA at [§6258](#), which says:

Any person may institute proceedings for injunctive or declarative relief or writ of mandate in any court of competent jurisdiction to enforce his or her right to inspect or to receive a copy of any public record or class of public records under this chapter.

85. One serious problem lurking in there is that the only two authorized reasons for filing a suit are to enforce your right to inspect a record or to receive a copy of the record.
86. In particular you are not allowed to file a suit because the agency violates every single other requirement that the CPRA subjects them to, as long as they let you inspect and obtain copies.<sup>21</sup> Agencies exploit this flaw mercilessly. This could be fixed with a simple change to “enforce his or her right to have agencies comply with the requirements of this chapter.”
87. Another problem is that lawsuits are difficult, expensive, time-consuming, and aggravating. There ought to be some kind of intermediate level of enforcement.<sup>22</sup>

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<sup>21</sup> I'm told it's possible that some violations might eventually rise to the level of denying access, but it's extraordinarily hard to get a lawyer to agree that that's what's happening. And it's necessary to get a lawyer to agree because, as explained below, basing a suit on fundamentally crackpot grounds is essentially the only thing that can get a requester forced to pay an agency's fees.

<sup>22</sup> This might be about to change. [AB 289](#) is up before the legislature this year, which would establish a “CPRA ombudsman” as an intermediate level of appeal. There are no details in the bill yet, so we'll have to wait till it's amended into shape to find out what's being proposed.

## 4.2 Financial aspects of a CPRA lawsuit

88. There are some positive aspects of the lawsuit as means of enforcement. First of these is that if the requester “prevails” then the agency is required to pay the requester’s costs and fees.<sup>23</sup> Note that awarding costs and fees to a prevailing requester is mandatory for the judge.
89. This serves at least two purposes. First it’s supposed to make agencies wary of violating the law because they might be on the hook for costs and fees, which easily run into the mid five figures, and can often reach six. You can imagine, though, that this doesn’t have that much of an effect on large agencies, like the City of Los Angeles.
90. Second, it’s supposed to make it feasible for ordinary people to use the CPRA and to enforce their rights under it. Since a lawyer is guaranteed to get paid if the requester prevails,<sup>24</sup> theoretically there ought to be lawyers willing to take promising cases to court for little or no money up front. This is almost actually true.
91. In order to be awarded fees and costs, the requester must prevail, which is easier to do than to win. All it takes is that the lawsuit induces the agency to produce one new record that they didn’t previously produce. So even if the judge finds that all the agency’s exemption claims were justified, and they didn’t illegally withhold anything, if they do a new search because of the lawsuit and find one new record, the requester prevails.
92. And because requesters are exercising a fundamental right<sup>25</sup> fee awards do not go the other way. If a requester loses on every claim, doesn’t prevail at all, the agency doesn’t get awarded fees. It’s remotely possible that an agency can get awarded fees if the requester’s suit is “clearly frivolous,” but that’s a very hard standard to meet. If the requester has a lawyer and the lawyer thinks the suit has merit it’s going to be a very strange situation where the requester has to pay the agency’s fees.
93. This doesn’t mean it’s cheap or easy to file suits. There are lawyers who will take a chance on getting paid by winning the case, but often they want the requester to cover the up-front costs, the filing fee, court reporters, and so on, because this is money that comes out of someone’s pocket. This can easily cost \$500 to \$1,000. Which will be refunded on victory, but that can take 12 to 18 months easily.

## 4.3 Always remember that you may end up in court

94. Since the only way for requesters to enforce their rights under the CPRA is to sue, and since agencies take advantage of normal people’s aversion to suing, if you make

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<sup>23</sup> This is a distinction, a lawyer once remarked to me, which only a lawyer could love. Costs are paid for things like filing fees, paying court reporters for taking depositions, expert witnesses, process servers, and so on. Fees are money paid to a lawyer for representation.

<sup>24</sup> I keep using this word and I haven’t defined it yet. I will below. It’s easier to prevail than to win, though.

<sup>25</sup> The right to have agencies comply with CPRA is actually in the Constitution of California, a fact which I haven’t talked about here because its meaning isn’t clear to me.

enough requests<sup>26</sup> you'll probably end up wanting to go to court to get the records they're withholding from you for some brainless reason.

95. As part of a CPRA petition the parties must submit the “administrative record” to the court. This is a collection of all communications about the request(s) at issue that took place before the petition was filed. So it may include every single email you ever sent to the agency about the request, starting with the request itself.
96. So it's important to keep in mind right from the start that this may happen. It's important to be nice to everybody just because it's the right thing to do, but sometimes in the heat of the moment this may not seem like enough of a reason. So it's good to also keep in mind that in the future the world, including a judge, may be reading every word you write. So don't write anything you don't want to see published in court and discussed interminably and in great detail by everyone.

## 5 City of LA CPRA contacts

### 5.1 NextRequest

#### 5.1.1 Using NextRequest

97. NextRequest is a web portal for handling CPRA requests. The City's site is at <https://lacity.nextrequest.com/>.
98. No registration or ID is required to make a request, but you have to put in an email address if you want the City to update you on the status of your request. This is worth doing because often they ask for clarification or that you narrow your request. It's not required to do this, but if you don't respond they will close your request with no further action.

#### 5.1.2 Who's on NextRequest

99. At the time I'm writing this City departments using NextRequest are:
  - (a) City Clerk
  - (b) LAPD
  - (c) LAFD
  - (d) CD4
  - (e) CD5
  - (f) CAO
  - (g) Controller

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<sup>26</sup> Like one or more.

### 5.1.3 Good things about NextRequest

- 100. You don't have to figure out who to contact to make a request.
- 101. They usually provide records far more quickly than they used to before NextRequest.
- 102. They usually provide records in electronic formats without asking requesters to pay.<sup>27</sup>
- 103. It can be used anonymously.
- 104. It's reasonably easy to access records the City has produced for other requesters.

### 5.1.4 Bad things about NextRequest

- 105. The City has total control over the record of communication. If you want to retain a record it's necessary to take screenshots, which aren't searchable. This is a big drawback if you end up in court. And there's nothing at all to stop the City from erasing or altering whatever they want.
- 106. The City can close out requests unilaterally, effectively ending further discussion. Note that NextRequest does allow requesters to leave messages on closed requests, so this isn't entirely true, but the City's free to ignore these and often does.
- 107. The ease of requests can evidently lead to City departments being overwhelmed with requests. This seems to be the reason for LAPD's recent decision to charge requesters for redacting emails. Of course it's really unlikely that this is lawful, but they seem determined to stick to it, and until a judge explains that they can't do it, that's probably what they're going to do.

## 5.2 Not NextRequest

- 108. These aren't any kind of official contacts. They're people that I've actually gotten answers from in response to CPRA requests. The City of Los Angeles publishes an official list, which is included here at [Exhibit 3](#). This is often useful as a starting point, but it's not always possible to get an answer from the email accounts listed here.
- 109. This list only includes departments where I can include a specific person. For others the list already has as much as I know.
- 110. I have been told unofficially that by June 2019 all City departments will be on NextRequest.

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<sup>27</sup> With one incredibly awful exception, to be discussed below

### 5.2.1 Council Districts

**CD1** Mel.Ilomin@lacity.org

**CD2** ??

**CD3** michael.owens@lacity.org

**CD4** On NextRequest.

**CD5** On NextRequest.

**CD6** ??

**CD7** tran.le@lacity.org

**CD8** ashley.thomas@lacity.org

**CD9** angelina.valencia@lacity.org

**CD10** edw.johnson@lacity.org, andrew.westall@lacity.org

**CD11** krista.kline@lacity.org

**CD12** colin.sweeney@lacity.org

**CD13** jeanne.min@lacity.org, Daniel.Halden@lacity.org

**CD14** isaiah.calvin@lacity.org, rick.coca@lacity.org

**CD15** amy.gebert@lacity.org

### 5.2.2 Other departments

**Airports** They have a webform at <https://www.lawa.org/en/public-records-requests-and-notifications/public-records> but a human being who deals with their CPRA requests is KMAJOVSKI@lawa.org. I've had them ignore requests submitted through the web form and also I don't like it because it requires that you enter a name, address, and telephone number. None of this information is required under the law, so I usually put fakes, but often end up emailing a person for a status update. The web form also imposes an unusually short character limit on requests, which is another reason I really don't like it.

**City Attorney** strefan.fauble@lacity.org. The guy is essentially the Prince of Darkness and a liar, but he will answer emails mostly.

**Department of Cultural Affairs** rhonda.mitchell@lacity.org, daniel.tarica@lacity.org

**Ethics Commission** Note that Lisa Ishimaru, listed on the official list, is no longer handling public records for Ethics. Current accounts are ethics.policy@lacity.org and nancy.jackson@lacity.org.

**HACLA** tania.delapena@hacla.org, Kevin.Wong@hacla.org.

**HCIDLA** hcidla.custodian@lacity.org

**LAUSD** Not technically a department of the City. Nevertheless, try natalie.johnson@lausd.net, maritza.sandoval@lausd.net.

**Rec and Parks** The account shown on the official list, Iris Davis, is wrong. Send requests to rap.commissioners@lacity.org.

### 5.2.3 BIDs and charter schools

111. There are too many to list here.

112. For charter schools start with this directory: [XLSX](#) or [PDF](#).

113. For BIDs, start with [the City Clerk's BID directory](#), which has links to all their websites, and try to find contact information. Or get in touch with me and I can suggest contacts.

## 6 The text of the CPRA

### 6.1 [Section 6252](#) – Public records defined

#### 6.1.1 Subsections (e) and (g)

§6252(e) “Public records” includes any writing containing information relating to the conduct of the public’s business prepared, owned, used, or retained by any state or local agency regardless of physical form or characteristics.

§6252(g) “Writing” means any handwriting, typewriting, printing, photostating, photographing, photocopying, transmitting by electronic mail or facsimile, and every other means of recording upon any tangible thing any form of communication or representation, including letters, words, pictures, sounds, or symbols, or combinations thereof, and any record thereby created, regardless of the manner in which the record has been stored.

114.

### 6.2 [Section 6253](#) – Right to inspect and obtain copies of records

#### 6.2.1 Subsection (a) – Right to inspect – Redaction required over refusal

§6253(a) Public records are open to inspection at all times during the office hours of the state or local agency and every person has a right to inspect any public record, except as hereafter provided. Any reasonably segregable portion of a record shall be available for inspection by any person requesting the record after deletion of the portions that are exempted by law.

115.

### **6.2.2 Subsection (b) – Reasonable description, copies and costs for copies**

**§6253(b)** Except with respect to public records exempt from disclosure by express provisions of law, each state or local agency, upon a request for a copy of records that reasonably describes an identifiable record or records, shall make the records promptly available to any person upon payment of fees covering direct costs of duplication, or a statutory fee if applicable. Upon request, an exact copy shall be provided unless impracticable to do so.

116.

### **6.2.3 Subsection (c) – Timeline of response**

**§6253(c)** Each agency, upon a request for a copy of records, shall, within 10 days from receipt of the request, determine whether the request, in whole or in part, seeks copies of disclosable public records in the possession of the agency and shall promptly notify the person making the request of the determination and the reasons therefor. In unusual circumstances, the time limit prescribed in this section may be extended by written notice by the head of the agency or his or her designee to the person making the request, setting forth the reasons for the extension and the date on which a determination is expected to be dispatched. No notice shall specify a date that would result in an extension for more than 14 days. When the agency dispatches the determination, and if the agency determines that the request seeks disclosable public records, the agency shall state the estimated date and time when the records will be made available. As used in this section, “unusual circumstances” means the following, but only to the extent reasonably necessary to the proper processing of the particular request:

- (1) The need to search for and collect the requested records from field facilities or other establishments that are separate from the office processing the request.
- (2) The need to search for, collect, and appropriately examine a voluminous amount of separate and distinct records that are demanded in a single request.
- (3) The need for consultation, which shall be conducted with all practicable speed, with another agency having substantial interest in the determination of the request or among two or more components of the agency having substantial subject matter interest therein.
- (4) The need to compile data, to write programming language or a computer program, or to construct a computer report to extract data.

117.

### **6.2.4 Subsection (d) – No delay**

**§6253(d)** Nothing in this chapter shall be construed to permit an agency to delay or obstruct the inspection or copying of public records. The notification of denial of any request for records required by [Section 6255](#) shall set forth the names and titles or positions of each person responsible for the denial.

118.

### **6.3    [Section 6253.1](#) – Agencies have to help you make a good request**

#### **6.3.1    Subsection (a)**

**§6253.1(a)** When a member of the public requests to inspect a public record or obtain a copy of a public record, the public agency, in order to assist the member of the public make a focused and effective request that reasonably describes an identifiable record or records, shall do all of the following, to the extent reasonable under the circumstances:

- (1) Assist the member of the public to identify records and information that are responsive to the request or to the purpose of the request, if stated.
- (2) Describe the information technology and physical location in which the records exist.
- (3) Provide suggestions for overcoming any practical basis for denying access to the records or information sought.

119.

### **6.4    [Section 6253.3](#) – Agencies can’t cede control of records to third parties**

**§6253.3** A state or local agency may not allow another party to control the disclosure of information that is otherwise subject to disclosure pursuant to this chapter.

120.

### **6.5    [Section 6253.4](#) – Agencies can’t limit hours of inspection**

#### **6.5.1    Subsection (a)**

**§6253.4(a)** Every agency may adopt regulations stating the procedures to be followed when making its records available in accordance with this section.

121.

#### **6.5.2    Subsection (c)**

**§6253.4(c)** Guidelines and regulations adopted pursuant to this section shall be consistent with all other sections of this chapter and shall reflect the intention of the Legislature to make the records accessible to the public. The guidelines and regulations adopted pursuant to this section shall not operate to limit the hours public records are open for inspection as prescribed in [Section 6253](#).

122.

## **6.6    [Section 6253.9](#) – Electronic records must be provided in native format**

### **6.6.1    Subsection (a) – Native formats of electronic records**

**§6253.9(a)** Unless otherwise prohibited by law, any agency that has information that constitutes an identifiable public record not exempt from disclosure pursuant to this chapter that is in an electronic format shall make that information available in an electronic format when requested by any person and, when applicable, shall comply with the following:

- (1) The agency shall make the information available in any electronic format in which it holds the information.
- (2) Each agency shall provide a copy of an electronic record in the format requested if the requested format is one that has been used by the agency to create copies for its own use or for provision to other agencies. The cost of duplication shall be limited to the direct cost of producing a copy of a record in an electronic format.

123.

### **6.6.2    Subsection (b) – When they can charge more than direct cost for copies**

**§6253.9(b)** Notwithstanding paragraph (2) of subdivision (a), the requester shall bear the cost of producing a copy of the record, including the cost to construct a record, and the cost of programming and computer services necessary to produce a copy of the record when either of the following applies:

- (1) In order to comply with the provisions of subdivision (a), the public agency would be required to produce a copy of an electronic record and the record is one that is produced only at otherwise regularly scheduled intervals.
- (2) The request would require data compilation, extraction, or programming to produce the record.

124.

## **6.7    [Section 6254](#) – Various exemptions from duty to release records**

125.

### **6.7.1    Subsection (a) – Drafts exemption**

**§6254(a)** Preliminary drafts, notes, or interagency or intra-agency memoranda that are not retained by the public agency in the ordinary course of business, if the public interest in withholding those records clearly outweighs the public interest in disclosure.

126.

### **6.7.2 Subsection (c) – Personnel files exemption**

**§6254(c)** Personnel, medical, or similar files, the disclosure of which would constitute an unwarranted invasion of personal privacy.

127.

### **6.7.3 Subsection (k) – Privilege exemptions**

**§6254(k)** Records, the disclosure of which is exempted or prohibited pursuant to federal or state law, including, but not limited to, provisions of the Evidence Code relating to privilege.

#### **6.7.3.1 Trade secrets**

128.

#### **6.7.3.2 Attorney/client privilege**

129.

## **6.8 Section 6254.3 – Personal email addresses of officials**

### **6.8.1 Subsection (b)**

**§6254.3(b) (1)** Unless used by the employee to conduct public business, or necessary to identify a person in an otherwise disclosable communication, the personal email addresses of all employees of a public agency shall not be deemed to be public records and shall not be open to public inspection. . .

**(2)** This subdivision shall not be construed to limit the public's right to access the content of an employee's personal email that is used to conduct public business, as decided by the California Supreme Court in [City of San Jose v. Superior Court \(2017\) 2 Cal.5th 608](#).

130.

## **6.9 Section 6254.8 – Employment contracts must be released**

**§6254.8** Every employment contract between a state or local agency and any public official or public employee is a public record which is not subject to the provisions of Sections 6254 and 6255.

131.

## **6.10   Section 6255 – Justification and catch-all exemption**

### **6.10.1   Subsection (a)**

**§6255(a)** The agency shall justify withholding any record by demonstrating that the record in question is exempt under express provisions of this chapter or that on the facts of the particular case the public interest served by not disclosing the record clearly outweighs the public interest served by disclosure of the record.

#### **6.10.1.1   Too much work**

132.

#### **6.10.1.2   Deliberative process**

133.

## **6.11   Section 6257.5 – Purpose of request is not relevant**

**§6257.5** This chapter does not allow limitations on access to a public record based upon the purpose for which the record is being requested, if the record is otherwise subject to disclosure.

134.

## **6.12   Section 6258 – Court action for enforcement**

**§6258** Any person may institute proceedings for injunctive or declarative relief or writ of mandate in any court of competent jurisdiction to enforce his or her right to inspect or to receive a copy of any public record or class of public records under this chapter.

135.

## **6.13   Section 6259 – How the court case works**

### **6.13.1   Subsection (a) – In camera examination by the judge**

**§6259(a)** Whenever it is made to appear by verified petition to the superior court of the county where the records or some part thereof are situated that certain public records are being improperly withheld from a member of the public, the court shall order the officer or person charged with withholding the records to disclose the public record or show cause why he or she should not do so. The court shall decide the case after examining the record in camera...

### **6.13.2 Subsection (d) – Fee award**

**§6259(d)** The court shall award court costs and reasonable attorney’s fees to the requester should the requester prevail in litigation filed pursuant to this section. The costs and fees shall be paid by the public agency of which the public official is a member or employee and shall not become a personal liability of the public official. If the court finds that the requester’s case is clearly frivolous, it shall award court costs and reasonable attorney fees to the public agency.

136.

## 7 Exhibits

**7.1 Exhibit 1 – March 1, 2019 CPRA request to Downtown Center  
BID**

## CPRA request (DCBID.2019.03.01.b)

**From:** [adrian@emailuser.net](mailto:adrian@emailuser.net)  
**To:** [Suzanne Holley <SHolley@downtownla.com>](mailto:Suzanne.Holley<SHolley@downtownla.com>)  
**Subject:** CPRA request (DCBID.2019.03.01.b)  
**Date:** Friday, March 01, 2019 5:35 PM  
**Size:** 3 KB

---

Good morning, Suzanne.

I'd like to obtain copies of the following material:

1. Emails in the possession of anyone on the DCBID staff from January 1, 2019 through February 28, 2019 that are to/from/cc/bcc any of the following email addresses or domains or which contain the given search string, to be interpreted as case-insensitive:

- a. Skid Row
- b. southpark.la
- c. Albrektson
- d. hollywoodbid.org
- e. urbanplaceconsulting.com
- f. Delgadillo
- g. lacity.org
- h. lapd.online
- i. dlapiper.com
- j. linerlaw.com
- k. fashiondistrict.org
- l. centralcityeast.org
- m. historiccore.bid
- n. [blairbesten@gmail.com](mailto:blairbesten@gmail.com)
- o. [renamastenleddy@yahoo.com](mailto:renamastenleddy@yahoo.com)
- p. [beatus821@gmail.com](mailto:beatus821@gmail.com)
- q. dlanc.com
- r. aus.com
- s. universalpro.com

2. Intrastaff emails from the same date range in the possession of Suzanne Holley. Note that this and the following parts are intentionally worded so as to require only Ms. Holley's email account to be searched for responsive records. To be interpreted as previously agreed for similar earlier request

3. Emails in the possession Suzanne Holley that are to/from/cc/bcc BID board members from same date range.

4. Emails in the possession of BID staff from the same date range that are to/from/cc/bcc any of the following email addresses or domains or which contain the given search string, to be interpreted as case-insensitive:

- 1. McNenny
- 2. Riskin
- 3. Seminar
- 4. [ellenendo@yahoo.com](mailto:ellenendo@yahoo.com)
- 5. [jkumamoto@aol.com](mailto:jkumamoto@aol.com)
- 6. [yshikai@neufeldmarks.com](mailto:yshikai@neufeldmarks.com)

Please note that this request is intentionally worded in such a way that it is only necessary to search BID staff members' email accounts in order to have conducted an adequate search.

I need these in EML format, which you are required to provide by the CPRA at section 6253.9(a)(2) as you use this format to create copies for your own use. Exporting emails in this format will automatically include their attachments in native format. If it's easier for you to provide, MBOX format is also acceptable.

If you find it necessary to redact any of these emails, please note that both EML and MBOX are text formats. The files can be opened in any text editor, e.g. Notepad, and segregable exempt material can be redacted by replacing it with innocuous symbols, e.g. ++++++. Any other method of redaction destroys the essential character, i.e. the searchability and sortability, of the record and violates the CPRA at section 6253.9(a)(1). This method of redaction is probably easier for you as well since it allows search and replace.

Thanks for your help,

Adrian

**7.2 Exhibit 2 – March 7, 2019 CPRA response from Camino  
Nuevo Charter School**



Camino  
Nuevo  
Charter  
Academy

3435 W. Temple Street  
Los Angeles, CA 90026

Phone: 213-417-3400  
Fax: 323-663-3132

[www.caminonuevo.org](http://www.caminonuevo.org)

**VIA E-MAIL**

[westsidesunshinecoalition@yahoo.com](mailto:westsidesunshinecoalition@yahoo.com)

Re: Second Response to Public Records Act Request Dated February 17, 2019

Dear Records Requestor:

Camino Nuevo Charter Academy ("CNCA") responds to your February 27, 2019 email regarding your public records request dated February 17, 2019. You appear to be seeking Ms. Bajracharya's terms of employment through a request for what you refer to as an "employment contract". CNCA does not have an employment contract with Ms. Bajracharya, so there is no responsive record. Further, CNCA does not possess a letter of resignation for Ms. Bajracharya.

With regard to your request for email communications in the possession of unspecified "senior staff", you did not provide any further clarification in response to our effort to assist you. Nor did you provide your name and phone number so we could reasonably attempt to assist you further. In any event, CNCA does not classify employees as "senior" and "non-senior", but we will narrow your request by limiting it to the former CEO (no longer employed by CNCA) and the two staff members we deem appropriate, and only between each of those individuals and Ms. Bajracharya, for the year 2018. We believe that is responsive to your request.

Your request calls for data search of email communications that include former employees, which necessitates electronic search of servers and production in an electronic format. Because you have asked for a year's worth of electronic records consisting of email communications among CNCA leadership and former employees containing the term "Bajracharya", we anticipate this request could encompass thousands of records. CNCA has limited technical capacity to extract word search data from the electronic servers. Your request necessitates that we engage a third-party information technology consultant to extract and compile that electronic information from our computer systems. Thereafter, responsive records will need to be carefully reviewed and redacted to prevent the harmful disclosure of confidential information such as that relating to students.

We have requested an estimate from a qualified third-party consultant, Core BTS, which is **\$4,680**. Please provide a deposit in that amount in order for us to proceed with your request. You may provide a check payable to "Camino Nuevo Charter Academy" in that amount to:

Tammy Stanton  
Interim CEO  
Camino Nuevo Charter Academy  
3435 W. Temple Street  
Los Angeles, CA 90026

Once we receive your deposit we will engage the consultant to begin the computer services needed, and will also provide you a copy of the contract. If you prefer, you may pay Core BTS directly. Thank you again for your interest in CNCA.

Sincerely,



Tammy Stanton, Interim CEO

### 7.3 Exhibit 3 – City of Los Angeles public records coordinators by department

City of Los Angeles  
California Public Records Act (CPRA)  
Department Coordinators

| Department                                    | CPRA Coordinator  | Phone        | Contact   |
|---|-------------------|--------------|---|
| Airports, Los Angeles World                   | Public Records    | 424 646-6263 | <a href="mailto:publicrecordsrequest@lawa.org">publicrecordsrequest@lawa.org</a>  |
| Animal Services Department                    | Mary Fiscal       | 213 482-9552 | <a href="mailto:ani.recordrequest@lacity.org">ani.recordrequest@lacity.org</a>  |
| Building and Safety, Department of            | Public Records    | 213 482-6847 | <a href="mailto:Ladbs.custodianofrecords@lacity.org">Ladbs.custodianofrecords@lacity.org</a>  |
| City Administrative Officer                   | Patricia Huber    | 213 473-7590 | <a href="mailto:patty.huber@lacity.org">patty.huber@lacity.org</a>  |
| City Attorney                                 | Strefan Fauble    | 213 978-2068 | <a href="mailto:strefan.fauble@lacity.org">strefan.fauble@lacity.org</a>  |
| City Clerk                                    | Patrice Lattimore | 213 978-1081 | <a href="mailto:patrice.lattimore@lacity.org">patrice.lattimore@lacity.org</a>  |
| Controller, Office of the                     | Kevin McNeely     | 213 978-7496 | <a href="https://recordsrequest.lacity.org/requests/new?dept_id=1219">https://recordsrequest.lacity.org/requests/new?dept_id=1219</a> |
| Convention Center, Los Angeles                | Tigran Avetisyan  | 213 765-4244 | <a href="mailto:tigran.avetisyan@lacity.org">tigran.avetisyan@lacity.org</a>  |
| Economic and Workforce Development Department | Jamie Francisco   | 213 744-9048 | <a href="mailto:jamie.francisco@lacity.org">jamie.francisco@lacity.org</a>  |
| Ethics Commission                             | Lisa Ishimaru     | 213 978-1964 | <a href="mailto:lisa.ishimaru@lacity.org">lisa.ishimaru@lacity.org</a>  |
| Finance, Office of                            | Craig Sykes       | 213 473-5901 | <a href="mailto:craig.sykes@lacity.org">craig.sykes@lacity.org</a>  |
| Fire Department, Los Angeles City             | Michael Castillo  | 213 893-9800 | <a href="mailto:lafdaron@lacity.org">lafdaron@lacity.org</a>  |

City of Los Angeles  
California Public Records Act (CPRA)  
Department Coordinators

|   |                    |              |   |
|---|--------------------|--------------|---|
| <b>Fire and Police Pensions, Department of</b>                    | Evange Masud       | 213 279-3000 | <a href="mailto:evange.masud@LAFPP.com">evange.masud@LAFPP.com</a>  |
| <b>General Services, Department of</b>                            | Tony Royster       | 213 928-9581 | <a href="mailto:tony.royster@lacity.org">tony.royster@lacity.org</a>  |
| <b>Harbor – Port of Los Angeles</b>                               | Diana Henderson    | 310 732-7678 | <a href="mailto:dhenderson@portla.org">dhenderson@portla.org</a>  |
| <b>Housing Authority of the City of Los Angeles</b>               | Kevin Wong         | 213 252-5497 | <a href="mailto:kevin.wong@hacla.org">kevin.wong@hacla.org</a>  |
| <b>Housing &amp; Community Investment Department, Los Angeles</b> | Zachary Millet     | 213 808-8482 | <a href="mailto:HCIDLA.custodian@lacity.org">HCIDLA.custodian@lacity.org</a>  |
| <b>Information Technology Agency</b>                              | Kuljeet Arora      | 213 978-3047 | <a href="mailto:kuljeet.arora@lacity.org">kuljeet.arora@lacity.org</a>  |
| <b>Library Department</b>   | Michael Bolokowicz | 213 228-7430 | <a href="mailto:Mbolokow@lapl.org">Mbolokow@lapl.org</a>  |
| <b>Los Angeles City Employees' Retirement System</b>              | Jason Kitahara     | 213 620-0388 | <a href="mailto:Jason.kitahara@lacers.org">Jason.kitahara@lacers.org</a>  |
| <b>Mayor's Office</b>   | David Harrison     | 213 978-3927 | <a href="mailto:david.e.harrison@lacity.org">david.e.harrison@lacity.org</a>  |
| <b>Neighborhood Empowerment, Department of</b>                    | Armando Ruiz       | 213 928-9507 | <a href="mailto:armando.ruiz@lacity.org">armando.ruiz@lacity.org</a>  |
| <b>Personnel Department</b>                                       | Bruce Whidden      | 213 473-9107 | <a href="mailto:bruce.whidden@lacity.org">bruce.whidden@lacity.org</a>  |
| <b>Planning, Department</b>                                       | Beatrice Pacheco   | 213 978-1260 | <a href="mailto:beatrice.pacheco@lacity.org">beatrice.pacheco@lacity.org</a>  |
| <b>Police Department, Los Angeles</b>                             | CPRA Unit          | 213 847-3615 | <a href="https://recordsrequest.lacity.org/requests/new?dept_id=1957">https://recordsrequest.lacity.org/requests/new?dept_id=1957</a> |
| <b>Public Works, Board of</b>                                     | Fernando Campos    | 213 978-0250 | <a href="mailto:fernando.campos@lacity.org">fernando.campos@lacity.org</a>  |
| <b>Recreation and Parks, Department of</b>                        | Iris Davis         | 213 202-2640 | <a href="mailto:Iris.davis@lacity.org">Iris.davis@lacity.org</a>  |
| <b>Transportation, Department of</b>                              | Stacy Starkey      | 213 972-5065 | <a href="mailto:ladot.publicrecords@lacity.org">ladot.publicrecords@lacity.org</a>  |

City of Los Angeles  
California Public Records Act (CPRA)  
Department Coordinators

|   |                    |              |  |
|---|--------------------|--------------|--|
| <b>Water &amp; Power, Department of</b> | CPRA Clearinghouse | 213 367-8730 | <a href="mailto:cpra@ladwp.com">cpra@ladwp.com</a>                     |
| <b>Zoo</b>                              | Denise Tamura      | 323 644-4261 | <a href="mailto:denise.tamura@lacity.org">denise.tamura@lacity.org</a> |

#### 7.4 Exhibit 4 – Example of a claim of burdensomeness from the City of Los Angeles



# MIKE BONIN

City of Los Angeles  
Councilmember, Eleventh District

March 11, 2019

Westlake Investigations

**Via email:** westlakeinvestigations@hotmail.com

Re: CPRA Request Dated 03.01.2019

Dear Westlake Investigations,

This office is in receipt of your email request for records under the California Public Records Act ("CPRA") dated March 1, 2019. The email included the request as stated below:

*Electric copies of all Romulus logs and reports from January 1, 2018 till now. According to Seneca Systems website this would include:*

- 1. Log and archive all communications to and from constituents in Romulus automatically, no matter the source or the time that has passed*
- 2. Create issue reports about major policy, governance, and legislative issues facing constituencies.*
- 3. Obtain all reports out of the box without any complex configuration.*
- 4. View and export reports that demonstrate the work that government workers are doing and constituent satisfaction achieved.*
- 5. Out-of-the-box reporting offers instant insights into constituent trends and service performance, allowing recognition of great work and trends to be corrected before they're problems.*

The CPRA requires that the local agency respond no later than 10 calendar days from the date the request is received as to whether the local agency has discloseable, responsive documents. If the 10th day falls on a weekend or holiday, the next business day is considered the deadline for responding to the request.

This letter serves as our office's response within the required 10-day time period, and confirms that sub-request (1) above is overly voluminous, per Section 6255(a). Regarding sub-requests (2), (3), (4), and (5), we have confirmed that our office does not possess any discloseable, responsive records.

Regards,

**Krista Kline**

*Deputy Chief of Staff, Council District 11*

**Westchester Office**

7166 W. Manchester Boulevard  
Los Angeles, CA 90045  
(310) 568-8772  
(310) 410-3946 Fax

**City Hall**

200 N. Spring Street, Room 475  
Los Angeles, CA 90012  
(213) 473-7011  
(213) 473-6926 Fax

**West Los Angeles Office**

1645 Corinth Avenue, Room 201  
Los Angeles, CA 90025  
(310) 575-8461  
(310) 575-8305 Fax